THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.4115 of 2007

Dated: 07.12.2007

Between:

The Fishermen Cooperative Society
Represented by its Chief Promotor.

.... PETITIONER

AND

The Commissioner of Fisheries,
Department of Fisheries,
Matshya Bhavan, Shanthinagar,
Vijayanagar Colony, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.4115 of 2007

Order:

This writ petition is filed questioning the action of the respondents in not according permission to register/organize Fishermen Cooperative Society Yedulapalli, Yeldurthy Mandal, Medak District as illegal, arbitrary and contrary to the Provisions of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') and consequently to direct the respondents to register the said society as per the provisions of the Act.

It is the case of the petitioner, who claims to be the Chief Promoter of the proposed Fishermen Cooperative Society, Yedulapalli, that the villagers of Yedulapalli made representations to the official respondents on 4.1.2002 and 18.10.2005 seeking to form a new society in their village to eke out their livelihood by catching the fish in the tanks available in the village by deleting their village from the area of operation of Fishermen Cooperative Society, Yeldurthy. On the basis of the said representations, correspondence has taken place between the Assistant Director of Fisheries and the Cooperative Department officials and a memo was issued by the Government on 11.6.2001 to the effect that no new fishermen cooperative society should be formed. The said decision of the Government was challenged before this Court in Writ Petition No.8896 of 2001 and batch and ultimately the government decided to keep the said G.O. in

abeyance. While so, the District Fishermen Cooperative Society, Medak filed a writ petition being W.P.No.1508 of 2002 seeking registration of all the pending fishermen cooperative societies in Medak District and this Court granted interim orders. It is stated that the proposed petitioner society is one among the list of the societies shown in the annexure in the said writ petition. It is the grievance of the petitioner that in spite of interim directions of this Court in the said writ petition, the second respondent has not registered the proposed society though it does not cause any loss to the parent society.

Pursuant to the notice issued by this Court on 8.3.2007, the 2nd respondent – Assistant Director of Fisheries filed a counter affidavit stating that the village Yedulapalli is included in the area of operation of Fishermen Cooperative Society, Yeldurthy and the Fisheries Development Officer, Medak has requested the President of Fisherman Cooperative Society, Yeldurthy for giving voluntary resolution for deletion of village Yedulapalli from its area of operation vide letter dated 4.1.2007 but the President of the said society has expressed his inability to delete the said village from its area of operation and that the petitioner herein is not a party to the proceedings in W.P.No.1508 of 2002. However, it is stated in the counter affidavit that the water spread area is more sufficient to 110 existing members of the Fishermen Cooperative Society, Yeldurthy and that if Yedulapalli Village is deleted from the area of operation of the parent society, the economic viability of the parent society will not be effected and as per Memo dated 23.12.1983, one hector of long seasonal water spread area has to be taken as a viable unit for a member.

Though the official respondents support the case of the petitioner for bifurcation from the parent society and for formation of a

new society, unfortunately, the petitioner has not made the parent society a party to the writ petition. Therefore, this Court in the absence of proper parties cannot issue a direction for registration of the proposed society as a new society. In the circumstances, it is agreed by the learned counsel for the petitioner as well as the learned Government Pleader to dispose of the writ petition with a direction to the Assistant Director of Fisheries to consider and dispose of the representation of the petitioner for formation of a new society after considering the objections to be raised by the parent society.

Accordingly, the writ petition is disposed of directing the Assistant Director of Fisheries to consider and dispose of the representation of the petitioner for formation of a new society after considering all the objections to be raised by the parent society within a period of three months from the date of receipt of a copy of this order.

_____

N.V. RAMANA, J.

Date: 7.12.2007
msv